

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

GENE LEMAY BARRIS,

Movant,

VS.

UNITED STATES OF AMERICA,

Respondent.

Case No. 1:18-cv-00077-JAR

MEMORANDUM AND ORDER

This matter is before the Court on Movant Gene Lemay Barris's Motion to Appoint Counsel. (Doc. 31.)

There is no constitutional or statutory right to counsel in civil cases. *See Philips v. Jasper Cty. Jail*, 437 F.3d 791, 794 (8th Cir. 2006). In determining whether to appoint counsel in a civil case, the Court should consider the factual complexity of the issues, the ability of the indigent person to investigate the facts, the existence of conflicting testimony, the ability of the indigent person to present the claims, and the complexity of the legal arguments. *Id.* (citing *Edgington v. Missouri Dep't of Corr.*, 85 F.3d 777, 780 (8th Cir. 1995)).

Movant advances three claims of ineffective assistance of counsel in his Motion to Vacate, Correct, or Modify Sentence pursuant to 28 U.S.C. § 2255. (Doc. 24.) His claims are neither factually nor legally complex and he provides detailed factual allegations in support of each. (*See* Doc. 24.) The Court concludes from his past filings, including two successful requests to amend his Motion, that Movant is able to investigate and present his claims and therefore will deny his request for counsel.

Movant also asks for copies of several documents. (Doc. 31 at 2.) The Court will direct the Clerk to provide copies of some of the requested documents.


Accordingly,

IT IS HEREBY ORDERED that Movant Gene Lemay Barris's Motion to Appoint Counsel (Doc. 31), is **DENIED**.

IT IS FURTHER ORDERED that the Clerk is **DIRECTED** to provide copies of the Docket Report for this case, *Barris v. United States*, No. 1:18-cv-00077-JAR, and the following documents from his underlying criminal case, *United States v. Barris*, No. 1:14-cr-0002-JAR-1:

- Docket Report;
- Judgment of Commitment (Doc. 54); and
- Transcript of Plea Hearing (Doc. 81).

Dated this 21st day of May, 2020.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE